

OUR PRACTICE

Aesthetics, MedSpas, and Wellness

The convergence of medical aesthetics and wellness has created one of health care's fastest-growing sectors. This rapid growth rate is a result of a variety of factors, including an increase in public demand, the innovation of new cutting-edge treatments, and the expansion of the types of specialists entering the space. Our attorneys partner with innovative health care and life science businesses to navigate the complex and rapidly evolving regulatory, compliance, and litigation landscape.

From social media personalities sharing their experiences with the latest skin care treatments to high-profile figures promoting GLP-1 therapies, the appeal of aesthetic and wellness services spans all demographics, with individuals across every age group increasingly prioritizing their health and well-being. Even in uncertain economic times, demand for both surgical and non-surgical aesthetic treatments remains robust. Cash pay medspas are thriving, generating recurring revenue and attracting a broad patient base.

With this increase in public demand, more providers are entering the market. Dermatologists and plastic surgeons are expanding the scope of aesthetic services they provide in their practices, while other providers, including dentists and primary care and OB/GYN physicians, are offering non-invasive aesthetic and wellness treatments, such as neurotoxins, as an add-on service. We also work closely with women's health focused providers, including those offering bioidentical hormone replacement therapy (BHRT), peptide therapies, and integrative treatment models. In addition, private equity investment is increasingly targeting foundational medical aesthetic practices, including medspas and dermatology and plastic surgery physician practices, driving consolidation and modernization across the sector.

Baker Donelson's team is experienced in advising aesthetics and wellness practices on the patchwork of complex state-by-state regulations and guiding groups through transactions that preserve the integrity of the medical practice, ensuring lasting value and compliance in a rapidly evolving landscape.

Regulatory Compliance

Our team helps clients navigate the complex legal and regulatory landscape that governs aesthetic medicine and the wellness industry. We counsel on:

- Corporate practice of medicine
- State medical board supervision, delegation, and scope of practice, including medical director arrangements
- HIPAA and privacy compliance
- Marketing and advertising compliance
- Informed consent, disclosures, and documentation
- Licensing, registrations, and change of ownership notifications
- State regulation of various types of invasive and non-invasive treatments (e.g., injectables, laser hair removal, broadband light (BBL), intense pulsed light (IPL), microneedling, and platelet rich plasma (PRP) skin resurfacing treatments)
- Implications and application of fee-splitting and federal and state self-referral and anti-kickback laws

Corporate and Transactions

Private equity-backed platforms are rapidly scaling and merging, expanding into cosmetics and medical aesthetics, and intensifying competition for independent practices. This wave of consolidation is reshaping the

industry landscape, offering new opportunities but also raising the stakes for those seeking to remain independent.

Baker Donelson partners with physician and non-physician owners, along with private equity-backed platforms, to navigate buy-side and sell-side transactions that uphold clinical autonomy and position practices for long-term success. Our team guides aesthetics and wellness groups through various aspects of corporate governance and transactions, including:

- Corporate document preparation
- Management Service Organization (MSO) structuring and governance compliance
- Representing practices in sales and mergers with private equity sponsors, strategic platforms, payors, and health systems
- Advising private equity-backed platforms and strategic buyers on acquisitions and growth transactions
- Assisting national platforms and strategic buyers on growth initiatives, including platform expansion, add-on acquisitions, and operational scaling across multiple markets
- Joint ventures and affiliations, such as Ambulatory Surgery Center (ASC) partnerships and de novo launches
- Ancillary service expansion to diversify revenue

Litigation

Aesthetic and wellness businesses operate in a competitive marketplace with increasing regulatory scrutiny and rising consumer expectations. These pressures heighten the risk of disputes across all aspects of an aesthetic or wellness practice's operations.

Baker Donelson represents medical aesthetics and wellness groups in litigation involving regulators, competitors, vendors, and consumers. Our team helps clients navigate this evolving landscape by resolving disputes efficiently while protecting business continuity and brand reputation.